

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

TROY E BELCHER,

Plaintiff,

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LEZLIE PICKETT et al.

Defendants.

CASE NO. C11-5452-RBL-JRC

ORDER DENYING PLAINTIFF'S
MOTION FOR APPOINTMENT OF
COUNSEL

This 42 U.S.C. §1983 civil rights matter has been referred to the undersigned Magistrate

17 Judge pursuant to 28 U.S.C. §§ 636(b)(1)(A) and (B) and Local Magistrate Judges Rules MJR 1,

18 MJR 3, and MJR 4. Plaintiff has filed a motion for appointment of counsel (ECF No. 13).

19 Plaintiff has also filed a separate memorandum in support of his motion (ECF No. 14). The

19 Plaintiff has also filed a separate memorandum in support of his motion (ECF No. 14). The
20 Local Rules do not allow for separate memorandum in support of a motion and that document
21 was not considered. See Local Rule 7 (b). Defendants oppose the motion for appointment of
22 counsel (ECF No. 17).

1 There is no right to have counsel appointed in cases brought under 42 U.S.C. §
2 1983. Although the court can request counsel to represent a party, 28 U.S.C. § 1915(e)
3 (1), the court may do so only in exceptional circumstances. Wilborn v. Escalderon, 789
4 F.2d 1328, 1331 (9th Cir. 1986); Franklin v. Murphy, 745 F.2d 1221, 1236 (9th Cir.
5 1984); Aldabe v. Aldabe, 616 F.2d 1089 (9th Cir. 1980). A finding of exceptional
6 circumstances requires an evaluation of both the likelihood of success on the merits and
7 the ability of the plaintiff to articulate his claims pro se in light of the complexity of the
8 legal issues involved. Wilborn, 789 F.2d at 1331.

9 Plaintiff has demonstrated an adequate ability to articulate his claims pro se. His
10 complaint is well written and raises a number of claims including conditions of
11 confinement, lack of religious services, and denial of due process. Plaintiff has made no
12 showing of the likelihood of success on his claims. Defendants note that the facts and
13 legal conclusions drawn by plaintiff are contested (ECF No. 17).

15 Plaintiff has not shown he is entitled to appointment of counsel at this time. The
16 motion is DENIED.

17 Dated this 28th day of September, 2011.

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20 J. Richard Creatura
21 United States Magistrate Judge
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